

1 AMENDMENT TO SENATE BILL 1110

2 AMENDMENT NO. _____. Amend Senate Bill 1110 by replacing
3 the title with the following:

4 "AN ACT concerning professional regulation."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Barber, Cosmetology, Esthetics, and Nail
8 Technology Act of 1985 is amended by changing Section 3-1 and
9 adding Article IIIIE as follows:

10 (225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

11 (Section scheduled to be repealed on January 1, 2006)

12 Sec. 3-1. Cosmetology defined. Any one or any
13 combination of the following practices constitutes the
14 practice of cosmetology when done for cosmetic or beautifying
15 purposes and not for the treatment of disease or of muscular
16 or nervous disorder: arranging, braiding (except as provided
17 under Article IIIIE), dressing, cutting, trimming, curling,
18 waving, chemical restructuring, shaping, singeing, bleaching,
19 coloring or similar work, upon the hair of the head; cutting
20 or trimming facial hair of any person; any practice of
21 manicuring, pedicuring, decorating nails, applying sculptured

1 nails or otherwise artificial nails by hand or with
2 mechanical or electrical apparatus or appliances, or in any
3 way caring for the nails or the skin of the hands or feet
4 including massaging the hands, arms, elbows, feet, lower
5 legs, and knees of another person for other than the
6 treatment of medical disorders; any practice of epilation or
7 depilation of any person; any practice for the purpose of
8 cleansing, massaging or toning the skin of the scalp;
9 beautifying, massaging, cleansing, exfoliating the stratum
10 corneum of the epidermis, or stimulating the skin of the
11 human body by the use of cosmetic preparations, antiseptics,
12 body treatments, body wraps, the use of hydrotherapy, tonics,
13 lotions or creams or any device, electrical or otherwise, for
14 the care of the skin; applying make-up or eyelashes to any
15 person, tinting eyelashes and eyebrows and lightening hair on
16 the body and removing superfluous hair from the body of any
17 person by the use of depilatories, waxing or tweezers. The
18 term "cosmetology" does not include the services provided by
19 an electrologist. Nail technology is the practice and the
20 study of cosmetology only to the extent of manicuring,
21 pedicuring, decorating, and applying sculptured or otherwise
22 artificial nails, or in any way caring for the nail or the
23 skin of the hands or feet including massaging the hands,
24 arms, elbows, feet, lower legs, and knees. Cosmetologists
25 are prohibited from performing any procedure that may
26 puncture or abrade the skin below the stratum corneum of the
27 epidermis or remove closed milia (whiteheads) which may draw
28 blood or serous body fluid. The term cosmetology includes
29 rendering advice on what is cosmetically appealing, but no
30 person licensed under this Act shall render advice on what is
31 appropriate medical treatment for diseases of the skin.
32 Purveyors of cosmetics may demonstrate such cosmetic products
33 in conjunction with any sales promotion and shall not be
34 required to hold a license under this Act. Nothing in this

1 Act shall be construed to prohibit the shampooing of hair by
2 persons employed for that purpose and who perform that task
3 under the direct supervision of a licensed cosmetologist or
4 licensed cosmetology teacher.

5 (Source: P.A. 91-863, eff. 7-1-00.)

6 (225 ILCS 410/Art. IIIIE heading new)

7 ARTICLE IIIIE. HAIR BRAIDING SHOPS

8 (225 ILCS 410/3E-5 new)

9 (Section scheduled to be repealed on January 1, 2006)

10 Sec. 3E-5. Requisites for ownership or operation of hair
11 braiding shops.

12 (a) No person, firm, partnership, limited liability
13 company, or corporation shall own or operate a hair braiding
14 shop without first applying on forms provided by the
15 Department for a certificate of registration. All hair
16 braiding shops in operation on the effective date of this
17 amendatory Act of the 93rd General Assembly shall register
18 with the Department within 30 days after the effective date
19 of this amendatory Act of the 93rd General Assembly.

20 (b) The application for a certificate of registration
21 under this Section shall set forth the name, address, and
22 telephone number of the hair braiding shop; the name,
23 address, and telephone number of the person, firm,
24 partnership, or corporation that is to own or operate the
25 shop; and, if the shop is to be owned or operated by an
26 entity other than an individual, the name, address, and
27 telephone number of the managing partner or the chief
28 executive officer of the corporation or other entity that
29 owns or operates the shop.

30 (c) The Department shall be notified by the owner or
31 operator of a shop that is moved to a new location. If there
32 is a change in the ownership or operation of a shop, the new

1 owner or operator shall report that change to the Department
2 along with completion of any additional requirements set
3 forth by rule.

4 (d) If a person, firm, partnership, limited liability
5 company, or corporation owns or operates more than one shop,
6 a separate certificate of registration must be obtained for
7 each shop.

8 (e) A certificate of registration granted under this
9 Section may be revoked in accordance with the provisions of
10 Article IV and the holder of the certificate may be otherwise
11 disciplined by the Department in accordance with rules
12 adopted under this Act.

13 (f) The owner or operator of a hair braiding shop must
14 be a licensed cosmetologist, except as provided in subsection
15 (h).

16 (g) Each person employed as a hair braider at a hair
17 braiding shop must have completed 500 hours of cosmetology
18 instruction in the areas of health, safety, and hygiene,
19 except as provided in subsection (h).

20 (h) Notwithstanding the other provisions of this Act, a
21 person who is not a licensed cosmetologist but, on the
22 effective date of this Section, owned or operated or was
23 employed as a hair braider at a shop that registers under
24 this Section within 30 days after that effective date may
25 provide hair braiding services at that shop under the
26 following conditions:

27 (1) for a period of up to 7 months after the
28 effective date of this Section, while the person is
29 engaged in completing 500 hours of cosmetology
30 instruction in the areas of health, safety, and hygiene,
31 provided that the hair braiding services are provided
32 under the direct supervision of a licensed cosmetologist
33 who is on the shop premises at all times and supervises
34 the application of any chemicals, dyes, or colorings, the

1 cutting of hair, and hygiene matters; and

2 (2) in the case of an owner or operator who
3 completes the 500 hours of cosmetology instruction in the
4 areas of health, safety, and hygiene within the initial
5 7-month period in a manner satisfactory to the
6 Department, then for an additional period of up to 12
7 months while the owner or operator continues to pursue
8 the cosmetology instruction required for licensure,
9 provided that the hair braiding services are provided
10 under the direct or indirect supervision of a licensed
11 cosmetologist who is either on the shop premises or
12 available on call to answer questions and address
13 problems.

14 To become eligible to provide hair braiding services
15 under this subsection (h), a person must register with the
16 Department within the 30 days after the effective date of
17 this Section. To remain eligible, a person must provide from
18 time to time such documentation as the Department may
19 require.

20 (i) The Department may promulgate rules for the
21 administration of this Section and may establish additional
22 requirements for owning or operating a hair braiding shop.

23 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."